

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-10

ACDA-05 DHA-02 ORM-01 SAM-01 SAJ-01 EB-07 TRSE-00

OMB-01 EURE-00 /086 W

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P R 071023Z AUG 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 1961

INFO AMEMBASSY WARSAW

AMEMBASSY BELGRADE

AMEMBASSY BERLIN

USMISSION USBERLIN

AMEMBASSY BUCHAREST

AMEMBASSY BUDAPEST

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMCONSUL MUNICH

AMEMBASSY PARIS

AMEMBASSY PRAGUE

AMEMBASSY SOFIA

C O N F I D E N T I A L SECTION 01 OF 03 BONN 12722

E.O. 11652: GDS

TAGS: PFOR, GW, PW

SUBJECT: GERMAN-POLISH AGREEMENT

REF: BONN 12311

1. SUMMARY: FOREIGN OFFICE BRIEFED EMBASSY OFFICER AUGUST 6 ON THE THREE AGREEMENTS RESULTING FROM THE SCHMIDT/GIEREK TALKS AT HELSINKI. END SUMMARY.

2. THE POLISH DESK OFFICER IN THE FOREIGN OFFICE GAVE EMBASSY OFFICER A FULL BRIEFING ON SCHMIDT'S TALKS WITH CONFIDENTIAL

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GIEREK IN HELSINKI DURING CSCE. THESE TALKS WERE

DIFFICULT AND LASTED LATE INTO THE NIGHT OF AUGUST 2.
THEY HAD BEEN PRECEDED BY LENGTHY DISCUSSIONS BETWEEN
. STATE SECRETARY GEHLHOFF AND HIS POLISH COUNTERPART.
THE RESULT OF THE NEGOTIATIONS WERE THREE SEPARATE BUT
CLOSELY LINKED AGREEMENTS.

3. EMIGRATION: THE MOST IMPORTANT AGREEMENT FROM THE
GERMAN POINT OF VIEW WAS A BILATERAL PROTOCOL WHICH WILL
PERMIT THE EMIGRATION FROM POLAND (OR THE RETURN TO
GERMANY) OF BETWEEN 120,000 AND 125,000 ETHNIC GERMANS
OR MEMBERS OF MIXED GERMAN/POLISH FAMILIES OVER THE
NEXT FOUR YEARS. IN THE CONTEXT OF THE PROTOCOL
POLAND CONFIRMED AND REAFFIRMED THE COMMITMENT IT
UNDERTOOK IN THE WARSAW TREATY OF 1970 TO PERMIT
EMIGRATION. THE PROTOCOL IS SUBJECT TO CONFIRMATION
BY THE POLISH STATE COUNCIL. THE FIGURES 120,000-
125,000 WERE THE RESULT OF HARD BARGAINING. THE FRG
ORIGINALLY REQUESTED A MUCH HIGHER FIGURE, BUT
SUCCEEDED IN RAISING THE POLISH OFFER TO ONLY 120,000-
125,000. THEREFORE, THE FRG INSISTED ON THE PROTOCOL
PROVIDING FOR ADDITIONAL EMIGRATION AFTER THE INITIAL
FOUR YEAR PERIOD ON THE BASIS OF INDIVIDUAL
APPLICATION.

4. THE DESK OFFICER SAID THAT UNDER THE ORIGINAL
AGREEMENT APPROXIMATELY 58,000 PEOPLE HAVE COME TO THE
FRG. INCLUDED IN THIS FIGURE IS A SMALL NUMBER OF
PEOPLE WHO LEFT POLAND ILLEGALLY AND WHO HAVE REMAINED
IN THE FRG. EXCLUDED FROM THIS FIGURE ARE THOSE ETHNIC
GERMANS WHO HAVE BEEN PERMITTED TO LEAVE POLAND AND WHO
HAVE CHOSEN TO RESIDE IN THE GDR. THIS LATTER FIGURE
MAY BE AS MUCH AS 10,000. (EMBASSY COMMENT: THIS
FIGURE SEEMS HIGH.)

5. THE SELECTION OF EMIGRANTS WILL REMAIN UP TO
POLAND, BUT WILL CONTINUE TO BE BASED ON LISTS
SUBMITTED BY THE GERMAN RED CROSS TO THE POLISH RED
CROSS.
NO NEW APPLICATIONS HAVE TO BE MADE IN THE CASES WHERE
VALID APPLICATIONS ARE PENDING WITH THE RED CROSS. OUR
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FOREIGN OFFICE SOURCE STATED THAT THE POLES HAVE NOT
RESTRICTED EMIGRATION TO ELDERLY PEOPLE BUT, RATHER-
PERMIT THE EMIGRATION OF ENTIRE FAMILIES. THE FRG
EXPECTS THIS PRACTICE TO CONTINUE.

6. THE DESK OFFICER ACKNOWLEDGED THAT POLAND
POINTED OUT IN THE NEGOTIATIONS THAT SOME 2,000
INDIVIDUALS HAVE RETURNED TO POLAND. HE SAID THAT THE

FRG ATTACHES NO IMPORTANCE TO THIS FIGURE SINCE THE GERMAN GOVERNMENT HAS NO RIGHT UNDER GERMAN LAW TO PREVENT EMIGRATION FROM THE FRG.

7. OUR SOURCE ALSO EMPHASIZED THAT THE FIGURE WHICH HAS APPEARED IN THE PRESS OF 280,000 APPLICATIONS TO THE RED CROSS IS ACCURATE. IN ADDITION, THE FRG EXPECTS MORE APPLICATIONS TO BE MADE ONCE THE AGREEMENTS ARE PUBLICIZED IN POLAND.

8. PENSION AND SOCIAL SECURITY PAYMENTS: ACCORDING TO

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P R 071023Z AUG 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 1962

INFO AMEMBASSY WARSAW

AMEMBASSY BELGRADE

AMEMBASSY BERLIN

USMISSION USBERLIN

AMEMBASSY BUCHAREST

AMEMBASSY BUDAPEST

AMEMBASSY LONDON

AMEMBASSY MOSCOW

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THE SECOND SCHMIDT/GIEREK AGREEMENT THE FRG AND POLAND HAVE AGREED TO MAKE PENSION AND OTHER SOCIAL PAYMENTS TO THOSE PERSONS WHO RESIDE IN THEIR RESPECTIVE TERRITORIES, EVEN IF THE PERSONS ACQUIRED THEIR RIGHTS TO PENSIONS, ETC., IN THE OTHER STATE. THERE IS ONE TECHNICAL EXCEPTION TO THIS GENERAL PRINCIPLE OF INTEGRATION OF THE TWO PENSION SYSTEMS. THAT IS, THE FRG WILL CONTINUE TO PAY THOSE PEOPLE REMAINING IN POLAND WHOM IT IS ALREADY PAYING.

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9. IN A SUPPLEMENTARY AGREEMENT (THE MOST IMPORTANT PART) THE FRG AGREED TO MAKE A LUMP SUM PAYMENT OF 1.3 BILLION DM TO THE POLISH PENSION SYSTEM. IT IS EXPECTED THAT POLAND'S PAYMENTS WILL BE LARGER THAN THE PAYMENTS THE FRG WILL MAKE, AND THE 1.3 BILLION DM IS COMPENSATION FOR THIS.

10. THE LUMP SUM PAYMENT WILL BE MADE IN THREE YEARLY INSTALLMENTS, THE FIRST OF WHICH WILL BE MADE FOLLOWING RATIFICATION OF THE AGREEMENT BY THE BUNDESTAG AND BUNDESRAT. THE MONEY WILL BE OBTAINED IN THE FIRST INSTANCE FROM QUASI-GOVERNMENT INSURANCE COMPANIES WHICH ARE RESPONSIBLE FOR THE PENSIONS. IF THE COMPANIES CLAIM THEY DO NOT HAVE SUFFICIENT FUNDS TO MAKE THE PAYMENTS, THE FEDERAL TREASURY WILL SUBSIDIZE THEM.

11. THE POLISH PENSION SYSTEM WILL DETERMINE THE INDIVIDUALS WHO WILL RECEIVE THE MONEY AND HOW MUCH. OUR SOURCE ADMITTED THAT POLAND MAY USE APPROXIMATELY ONE-HALF OF THE 1.3 BILLION DM TO COMPENSATE VICTIMS OF CONCENTRATION CAMPS. HOWEVER, THERE IS NO DIRECT LINK.

12. FINANCIAL CREDIT: THE THIRD AGREEMENT PROVIDES FOR AN EXTENSION OF A FINANCIAL CREDIT FROM THE FRG TO POLAND OF 1 BILLION DM. IT WILL BE PAID IN THREE ANNUAL INSTALLMENTS, THE FIRST OF WHICH WILL COME DUE IN NOVEMBER 1975. THE INTEREST RATE IS 2.5. POLAND WILL REPAY THE CREDIT IN TWENTY ANNUAL INSTALLMENTS FOLLOWING A FIVE YEAR GRACE PERIOD.

13. THE CREDIT IS NOT TIED TO GERMAN EXPORTS TO POLAND, BUT THE FRG EXPECTS THAT A MAJOR PART OF IT WILL BE USED FOR THIS PURPOSE. IN FACT, THERE IS A STATEMENT IN THE PREAMBLE THAT THE CREDIT WILL BE USED TO FOSTER ECONOMIC AND TECHNICAL COOPERATION.

14. WHEN ASKED ABOUT POLISH MOTIVES BEHIND THE AGREEMENTS, THE DESK OFFICER SPECULATED THAT GIerek IS UNDER PRESSURE TO SHOW SOME RESULTS FROM THE POLAND/FRG
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RELATIONSHIP. GIerek ALSO PROBABLY REALIZED THAT THE FRG'S ABILITY TO OFFER THE CREDIT AND PENSION PAYMENT WOULD ONLY DECREASE AS TIME WENT ON. FINALLY, THE DESK OFFICER NOTED THAT POLAND IS RUNNING AN UNFAVORABLE BALANCE OF PAYMENTS WITH HARD CURRENCY COUNTRIES.

15. THE PENSION AGREEMENT MUST BE SUBMITTED TO THE BUNDESTAG AND BUNDESRAT FOR RATIFICATION. THE CDU/CSU HAS ALREADY INDICATED STRONG OPPOSITION AND HAS MADE NOISES ABOUT SUBMITTING THE PENSION AGREEMENT TO THE GERMAN CONSTITUTIONAL COURT. OUR FOREIGN OFFICE SOURCE SAID THAT THE GOVERNMENT IS CONFIDENT THAT THE OPPOSITION WILL NOT USE ITS MAJORITY IN THE BUNDESRAT TO BLOCK THE PENSION AGREEMENT. IF IT DID, IT WOULD CAUSE THE TERMINATION OF EMIGRATION FROM POLAND, AND THE OPPOSITION WILL NOT WANT TO BE ACCUSED OF THAT. REACTING TO CRITICISM, THE GOVERNMENT SPOKESMAN DENIED AUGUST 6 THAT GERMAN PENSIONERS WILL HAVE THEIR PENSIONS REDUCED AS A RESULT OF THE POLISH AGREEMENT.

16. THE THREE AGREEMENTS WILL BE INITIALED IN BONN ON AUGUST 7 BY STATE SECRETARY GEHLHOFF AND THE POLISH AMBASSADOR. GENSCHER PLANS TO SIGN THEM DURING A VISIT TO WARSAW IN OCTOBER. IT WAS ALSO AGREED THAT GIerek WOULD VISIT BONN, PROBABLY IN THE FIRST HALF OF NEXT YEAR.

17. THE GERMAN GOVERNMENT DOES NOT CONSIDER THE EMIGRATION QUESTION CLOSED BY THESE AGREEMENTS. IT ANTICIPATES THAT AFTER FOUR YEARS IT WILL HAVE TO GO THROUGH MUCH OF THE SAME THING AGAIN. IN THIS

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OMB-01 EURE-00 /086 W

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P R 071023Z AUG 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC PRIORITY 1963

INFO AMEMBASSY WARSAW

AMEMBASSY BELGRADE

AMEMBASSY BERLIN

USMISSION USBERLIN

AMEMBASSY BUCHAREST

AMEMBASSY BUDAPEST

AMEMBASSY LONDON

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CONNECTION SCHMIDT HAS STRESSED IN HIS PUBLISHED STATEMENTS THAT EMIGRATION FOLLOWING THE INITIAL FOUR YEAR PERIOD WILL BE PERMITTED. OTHER EASTERN EUROPEAN COUNTRIES HAVE ASKED THE FRG FOR SIMILAR AGREEMENTS. THE FRG PLANS TO RESIST THESE REQUESTS, ESPECIALLY IN THE CASE OF FORMER ALLIES OF GERMANY DURING WORLD WAR II (HUNGARY, BULGARIA AND ROMANIA). THE FRG HAS ALSO NOTED THAT THE AGREEMENTS HAVE RECEIVED LITTLE PUBLICITY IN POLAND.

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18. COMMENT: OPPOSITION TO THE AGREEMENTS HAS BEEN GIVEN WIDESPREAD COVERAGE IN THE GERMAN PRESS AND HAS BEEN FOCUSED ON THE PENSION AGREEMENT. IT IS DIFFICULT TO GAUGE HOW SERIOUS A PROBLEM THE GOVERNMENT FACES IN

GETTING THE PENSION AGREEMENT THROUGH THE BUNDESRAT
GIVEN THE FACT THAT THE BUNDESTAG AND BUNDESRAT ARE
NOT IN SESSION AND THE ABSENCE OF KEY POLITICAL
FIGURES ON VACATION. SCHMIDT PRESSED THE POLES FOR A
HIGHER NUMBER OF EMIGRANTS IN THE BELIEF THAT HE
NEEDED A MINIMUM OF 130,000 IN ORDER TO OBTAIN
NECESSARY OPPOSITION SUPPORT. HE OBVIOUSLY FEELS THAT
IN OBTAINING AGREEMENT FOR 120,000-125,000
EMIGRANTS AND THE POSSIBILITY OF FURTHER EMIGRATION
AFTER THE INITIAL FOUR YEAR PERIOD HE HAS THE
MINIMUM NEEDED FOR APPROVAL. HE PROBABLY SUSPECTS,
HOWEVER, THAT IT WILL BE CLOSE, AND THE GOVERNMENT'S
TIMETABLE OF SIGNATURE IN OCTOBER AND PAYMENTS BEFORE
THE END OF THE YEAR MAY BE DELAYED SOMEWHAT.
HILLENBRAND

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